

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MELVIN ABDULLAH EL-AMIN,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

:
: CIVIL ACTION NO. 4:21-CV-2060
:
: (JUDGE MARIANI)
: (Magistrate Judge Carlson)
:
:
:
:
:

ORDER

AND NOW, THIS 14th DAY OF JUNE 2023, upon *de novo* review of Magistrate

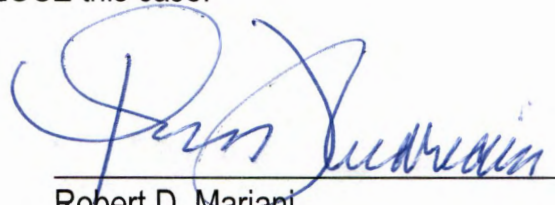
Judge Martin C. Carlson's Report and Recommendation ("R&R") (Doc. 29), Plaintiff's

objections thereto (Doc. 30), and all relevant documents, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's objections (Doc. 30) are **OVERRULED**;¹

¹ The Court acknowledges that Plaintiff's objections regarding improper assertions in the R&R that he protested denials of SSI income and challenged the amount of overpayment (Doc. 30 at 1-2, 4-5) point to discrepancies between claims addressed in the R&R and those found in Plaintiff's Complaint (Doc. 1) or Amendment (Doc. 16). Plaintiff's Complaint requests relief, *inter alia*, on the bases that he was awarded SSI benefits rather than the retirement benefits he sought and that a waiver of overpayments was warranted because of economic hardship he faced due to SSA's mishandling of his case. (See Doc. 1 at 8.) Similarly, the Court acknowledges that Plaintiff's objections concerning the R&R's failure to address his specific assertions regarding improper garnishment, receipt of SSI rather than retirement benefits, and violation of the Consumer Credit Protection Act (Doc. 30 at 5-6) accurately state that the R&R does not directly address claims on these issues which he raised in his Complaint (see, e.g., Doc. 1 at 8). Importantly, however, the foregoing objections do not alter the propriety of Magistrate Judge Carlson's determination that Plaintiff's Complaint should be dismissed because Plaintiff has not followed the defined pathway for judicial review of agency determinations. (See Doc. 29 at 13-14; see also Doc. 18 at 10-16.)

2. The R&R (Doc. 29) is **ADOPTED**;
3. Defendant's Motion to Dismiss Plaintiff's Complaint (Doc. 17) is **GRANTED**;
4. This action is **DISMISSED**;
5. The Clerk of Court is directed to **CLOSE** this case.



Robert D. Mariani
United States District Judge